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United Nations High Commissioner for Refugees

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Fiftieth Session (4-8 October 1999)

General Assembly
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Fifty-fourth Session
Supplement No. 12 A (A/54/12/Add.1)

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Note

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Chapter I
Introduction

A. Opening of the session

1. The Executive Committee of the Programme of the United Nations High Commissioner for Refugees held its fiftieth session at the Palais des Nations in Geneva from 4 to 8 October 1998. It was opened by the outgoing Chairman, Victor Rodriguez Cedeño (Venezuela).

2. Mr. Cedeño said that his two year's membership of the Bureau of the Executive Committee had been among the most enriching experiences of his career.

3. His visit to Africa in his capacity as Chairman had given him invaluable first-hand knowledge of the day-to-day realities of the admirable work of the Office of the United Nations High Commissioner for Refugees (UNHCR) in coordinating action in the field to alleviate the suffering of refugees, returnees and local populations. His mission had also helped him to better understand the complexity of the refugee problem. The international community and UNHCR, entrusted with the mandate of protecting and assisting refugees, must not only seek to cope with emergencies as they arise, but above all to prevent their occurrence by favouring economic development and social stability within countries of origin, and by assisting and cooperating with host countries.

4. The Executive Committee must guide and support UNHCR in its efforts to achieve greater efficiency of its management and rationalize its structure and budgetary procedures. The Committee must also reflect on how it might improve its own working methods, in order to reach more concrete conclusions and decisions and find a more dynamic approach to facilitate the development of international law, rather than simply reaffirming established norms and principles.

B. Election of officers

5. Under rule 10 of Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman:
Mr. Raimundo **Pérez-Hernández y Torra** (Spain)

Vice-Chairman:
Mr. Ali **Khorram** (Islamic Republic of Iran)

Rapporteur:
Mr. Pablo **Chelía** (Argentina)

C. Representation on the Committee

6. The following members of the Committee were represented at the session: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Democratic Republic of the Congo, Denmark, Ethiopia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Russian Federation, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela.

7. The Governments of the following States were present as observers: Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bahrain, Benin, Belarus, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, Chile, Republic of the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Gabon, Georgia, Ghana, Guatemala, Guinea, Honduras, Indonesia, Iraq, Iceland, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malawi, Mali, Malta, Mexico, Myanmar, Nepal, New Zealand, Niger, Oman, Panama, Paraguay, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, Swaziland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, United Arab Emirates, Ukraine, Uruguay, Yemen, Zambia, Zimbabwe.

8. Palestine was represented as an observer.

9. The European Commission, the Council of the European Union, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Sovereign Order of Malta were also represented as observers.

10. The United Nations system was represented as follows:

United Nations Office at Geneva, Office of the United Nations High Commissioner for Human Rights, Office for the Coordination of Humanitarian Affairs, United Nations Children's Fund (UNICEF), United Nations

Development Programme (UNDP), United Nations Population Fund (UNFPA) World Food Programme (WFP), United Nations Centre for Human Settlements (Habitat), United Nations Institute for Training and Research (UNITAR), Food and Agriculture Organization of the United Nations(FAO), United Nations Research Institute for Social Development (UNRISD), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO).

11. The following intergovernmental organizations were represented by observers:

League of Arab States, Organization of African Unity (OAU), Organization of the Islamic Conference (OIC), Council of Europe, Organization for Security and Cooperation in Europe (OSCE), International Organization for Migration (IOM).

12. A total of 145 non-governmental organizations (NGOs) were represented by observers.

D. Adoption of the agenda and other organizational matters

13. The Executive Committee adopted the following agenda by consensus:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. Annual theme: strengthening partnership to ensure protection, also in relation to security.
5. Reports on the work of the Standing Committee:
   (a) International protection;
   (b) Programme, administrative and financial matters.
6. Consideration and adoption of programme budgets.
7. Reports relating to programme oversight.
8. Meetings of the Standing Committee in 2000.
9. Consideration of the provisional agenda of the fifty-first session of the Executive Committee.
10. Any other business.
11. Adoption of the report of the fiftieth session of the Executive Committee.
12. Closure of the session.

E. Opening statement by the Chairman of the Executive Committee

14. The incoming Chairman, Raimundo Pérez-Hernández y Torra, thanked Member delegations for their confidence, the outgoing Chairman for his invaluable assistance and the United Nations High Commissioner for Refugees for her enlightened guidance.

15. UNHCR's fiftieth anniversary offered a unique opportunity to take stock of lessons learned from the past to build future action. He hoped that the anniversary would stir governments, international organizations, non-governmental organizations as well as civil society to renewed efforts on behalf of refugees the world over. Three issues must be given full attention for the months and years to come: the security of humanitarian staff as precondition to their operational engagement; the respect of human rights as a means of prevention; and the careful monitoring of humanitarian assistance in ongoing conflicts, including protracted crises in Asia and, in particular, in Africa.

16. The Executive Committee should have as short-term priorities the encouragement of accession to the basic conventions and response to current conflicts including crises which did not receive attention from the media. Medium and long-term priorities were essentially two-fold: to continue the process of internal reform that had already begun; and to improve cooperation and communication between Governments and civil society, including NGOs, the media, commercial enterprises and regional and local associations, in transmitting the message on behalf of refugees and in mobilizing the necessary funds.

17. The Executive Committee should also consider ways and means of giving fresh impetus to its work, possibly by making more use of informal consultations and by conducting seminars and brainstorming exercises on questions of structural or topical interest.

18. The Chairman then presented a report on his mission to Albania, the former Yugoslav Republic of Macedonia and Kosovo in early July 1999. The report, providing an account of the programme of the mission and sharing reflections on various aspects of the crisis, was made available to the Executive Committee.

Chapter II
Work of the fiftieth session

19. The High Commissioner delivered an opening statement to the Executive Committee, which is reproduced in annex II to the present report. The Chairman's summary of agenda item 4 is contained in annex III to the present report. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the agenda items of the meeting, as well as the closing statements by the Chairman and the High Commissioner, are contained in the summary records of the session.

Chapter III
Decisions and conclusions of the Executive Committee

A. Conclusions on international protection

1. General Conclusion on international protection

20. The Executive Committee,

The protection situation

(a) *Strongly deplores* the serious breaches of internationally recognized rights of refugees, asylum-seekers and other persons of concern over the past year, and remains particularly preoccupied that systematic violations of human rights, blatant disregard of international humanitarian law, and policies of wholesale expulsions of populations and "ethnic cleansing" have caused significant displacement both internally and across borders in many regions of the world;

(b) *Reaffirms* relevant Conclusions, notably Conclusion No. 81 (XLVIII), paragraph (j), in which the heavy burden carried in particular by developing countries is recognized; and notes with appreciation that a large number of developing countries, countries in transition and other countries with limited resources, which, due to their location, host large numbers of refugees and asylum seekers, continue to grant asylum and protection to refugees in accordance with international law and established principles and standards;

(c) *Reaffirms* its Conclusion No. 85 (XLIX), paragraph (o), committing itself to uphold the principle of international solidarity and burden-sharing; expresses strong appreciation for instances where those principles were put into concrete action during the past year; and further encourages States and UNHCR to continue their efforts to give wider effect to these important principles;

(d) *Recognizes* that the presence of massive refugee populations in urban and rural areas in developing countries puts considerable strain on the economy and environment of these countries and that increased attention should be paid to alleviate this negative impact; and calls on UNHCR to play its catalytic role to mobilize assistance from the international community to address environmental degradation in refugee-hosting areas as well as the economic and social impact of large-scale refugee populations;

(e) *Welcomes* the accession of Georgia and Kazakhstan to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, bringing to 138 the number of States parties to one or both of these instruments; and encourages UNHCR and States to strengthen their efforts to promote broader accession to these instruments and full implementation of them;

The refugee protection framework

(f) *Reaffirms* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol remain the foundation of the international refugee regime; recognizes, however, that there may be a need to develop complementary forms of protection, and in this context, encourages UNHCR to engage in consultations with States and relevant actors to examine all aspects of this issue;

(g) *Reaffirms* Conclusion No. 85 (XLIX) paragraph (d), and calls on all interested parties to turn concentrated attention towards revitalizing old partnerships and building new ones in support of the international refugee protection system, in a spirit of international solidarity and burden-sharing;

(h) *Notes* that the fiftieth anniversary of the Geneva conventions of 1949 on the law of armed conflict is being commemorated this year; calls on States and other parties to armed conflicts scrupulously to observe international humanitarian law; and also calls on UNHCR to strengthen further its collaboration with the International Committee of the Red Cross, the International Federation of the Red Cross and Red Crescent Societies, and national Red Cross and Red Crescent societies;

(i) *Notes* that the thirtieth anniversary of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa is also being commemorated this year; acknowledges the contribution made by this Convention to the development of regional standards for the protection of refugees; and encourages UNHCR to continue its close collaboration with the

Organization of African Unity with a view to enhancing the protection of refugees in Africa;

Access to protection

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as "safe country of origin", "internal flight alternative" and "safe third country", should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of non-refoulement;

(k) *Acknowledges* the need for States to address the problem of misuse or abuse of refugee status determination procedures, both at the national level and through international cooperation, and urges States to ensure that national law and administrative practices, including migration control measures, are compatible with the principles and standards of applicable refugee and human rights law, as set out in relevant international instruments;

(l) *Reaffirms* Conclusion No. 58 (XL) on irregular movements; notes with concern that refugees who have already found and continue to enjoy protection in a first country of asylum continue to move in an irregular manner to other countries on a significant scale; and encourages UNHCR, States and other relevant actors to enhance cooperation to address the causes of such movements, in particular with a view to ensuring treatment of asylum-seekers and refugees in accordance with the highest possible standards of protection in first countries of asylum, and to creating awareness as to the risks and dangers linked to irregular movements, notably exploitation by traffickers; and further encourages UNHCR to work with transit and destination countries to ensure that the protection and assistance needs of such asylum-seekers and refugees are met;

(m) *Recalls* Conclusion No. 15 (XXX) relating to refugees without an asylum country, Conclusion No. 30 (XXXIV) on the problem of manifestly unfounded or abusive applications for refugee status or asylum and Conclusion No. 58 (XL) on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection; and invites UNHCR to continue to study the issues arising from the concept of manifestly unfounded claims and to report to this Committee in due course;

Special protection needs

(n) *Notes with appreciation* special efforts by States to incorporate gender perspectives into asylum policies, regulations and practices; encourages States, UNHCR and other concerned actors to promote wider acceptance, and inclusion in their protection criteria of the notion that persecution may be gender-related or effected through sexual violence; further encourages UNHCR and other concerned actors to develop, promote and implement guidelines, codes of conduct and training programmes on gender-related refugee issues, in order to support the mainstreaming of a gender perspective and enhance accountability for the implementation of gender policies;

(o) *Calls on* States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

(p) *Calls on* States, UNHCR and other concerned actors, taking into account that elderly refugees are particularly affected by social disintegration, chronic dependency and other adverse aspects of the refugee condition, to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

Security of refugees

(q) *Recalls* United Nations Security Council resolution 1208 (1998) of 19 November 1998; remains gravely preoccupied with the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration of armed elements in refugee camps and settlements; re-emphasizes the responsibility of States, working, where appropriate, with UNHCR in collaboration with each other and with other parts of the United Nations system, to uphold the civilian and humanitarian character and to ensure the security of refugee camps and settlements, *inter alia*, by identifying and separating armed elements from refugee populations and settling refugees in secure locations; and encourages States and UNHCR, in collaboration with each other and with other parts of the United Nations system, to continue their efforts to enhance the security and civilian nature of refugee camps and settlements;

Durable solutions

(r) Reaffirms that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

Stateless persons and internally displaced persons

(s) *Notes with concern* the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons[1] and the 1961 Convention on the Reduction of Statelessness,[2] as well as the accession of Saint Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

(t) *Recalls* Conclusion No. 75 (XLV) on internally displaced persons; takes note of General Assembly resolution 53/125 of December 1998; reiterates the relevance of the *Guiding Principles on Internal Displacement*,[3] and reaffirms its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly;

2. Conclusion on the protection of the refugee's family

21. The Executive Committee,

(a) *Reaffirms* Conclusion No. 9 (XXVIII), Conclusion No. 24 (XXXII), Conclusion No. 84 (XLVIII) and Conclusion No. 85 (XLIX) paragraphs (u) to (x) on family reunion and family unity and on refugee children and adolescents; and re-emphasizes that the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State;

(b) *Underlines* the need for the unity of the refugee's family to be protected, *inter alia*, by:

(i) Measures which ensure respect for the principle of family unity, including, those to reunify family members separated as a result of refugee flight;

(ii) The consideration of liberal criteria in identifying those family members who can be admitted, with a view to promoting a comprehensive reunification of the family;

(iii) Provisions and/or practice allowing that when the principal applicant is recognized as a refugee, other members of the family unit should normally also be recognized as refugees, and by providing each family member with the possibility of separately submitting any refugee claims that he or she may have;

(iv) The prioritization of family unity issues at an early stage in all refugee operations;

(v) Programmes to promote the self-sufficiency of adult family members so as to enhance their capacity to support dependent family members;

(c) *Calls* upon States, the Office of the United Nations High Commissioner for Refugees and other relevant actors to give particular attention to the needs of unaccompanied refugee children pending their reunification with their families; and affirms, in this regard, that adoption of refugee children should only be considered when all feasible steps for family tracing and reunification have been exhausted, and then only in the best interests of the child and in conformity with international standards.

B. Conclusion on the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

22. The Executive Committee,

Recalling the Programme of Action adopted in May 1996 by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States[4] and the conclusions of the Executive Committee at its forty-seventh, forty-eighth and forty-ninth sessions;

(a) *Reaffirms* the importance and continuing validity of the Programme of Action of the Conference and the follow-up process to promote its implementation, and stresses the necessity of reinvigorating joint efforts in maintaining the regional approach to migration problems;

(b) *Welcomes* the progress made in a number of the countries of the Commonwealth of Independent States in

implementing the Programme of Action in both governmental and non-governmental sectors;

(c) *Notes* that a number of provisions of the Programme of Action are still at the stage of practical formulation and cannot be achieved by 2000;

(d) *Endorses* the decision made at the Steering Group in June 1999 to establish the Working Group to address the issue of follow-up to the 1996 Geneva migration conference, and expresses hope that the Steering Group will work out concrete proposals for the next meeting on modalities of the conference process after 2000;

(e) *Calls* upon Governments in all countries of the Commonwealth of Independent States, who bear the primary responsibility for addressing the acute problems of population displacement that they face, to strengthen their commitment, both practical and political, to implementing the Programme of Action to ensure more consistent and far-reaching progress, especially in the fields of human rights and refugee protection, and the problems of formerly deported peoples;

(f) *Welcomes* the accession of Georgia and Kazakhstan to the 1951 Convention relating to the Status of Refugees[5] and the 1967 Protocol,[6] and invites the Commonwealth of Independent States to intensify its efforts to accede to relevant international instruments and to give legislative and administrative effect to them;

(g) *Notes* the importance of joint efforts to overcome the constraints in implementing the Programme of Action, by achieving, *inter alia*, a higher level of political support, durable political solutions to conflicts, further democratization and building of civil society, full implementation of legislation, adequate cooperation on a regional or bilateral level, deeper involvement of international financial institutions and development agencies, and availability of financial resources;

(h) *Notes* that the serious challenges faced by the countries of the region cannot be met by the resources and experience of those countries alone;

(i) *Welcomes* the support rendered by other States to the process so far, including the reaffirmation of that support at the meeting of the Steering Group in June 1999, and calls on States to continue and intensify their cooperation and support in the spirit of international solidarity and burden-sharing to assist the countries of the Commonwealth of Independent States in implementing the Programme of Action;

(j) *Appreciates* the efforts made by the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe to support the implementation of the Programme of Action, ensure follow-up and to mobilize resources for this, and calls on them to strengthen their efforts and mutual cooperation;

(k) *Urges* the United Nations High Commissioner to continue to inform the public and further to enhance relationships with other key international actors, such as the Council of Europe, the European Commission and other human rights, development and financial institutions;

(l) *Welcomes* the progress made in building civil society, particularly through the development of the non-governmental sector and of cooperation between non-governmental organizations and the Governments of a number of countries of the Commonwealth of Independent States, and notes in this regard the relation between the progress made in implementing the Programme of Action and the success in promoting civil society, especially in the field of human rights;

(m) *Calls* on Government of the countries of the Commonwealth of Independent States to further facilitate the formation and work of NGOs and, along with international organizations, to further strengthen their cooperation with NGOs and increase their involvement in the Conference of the Commonwealth of Independent States follow-up process;

(n) *Requests* the High Commissioner to keep the Executive Committee informed of measures taken in the implementation of the Programme of Action and of progress achieved on the issue of follow-up to the Conference.

C. General decision on administrative, financial and programme matters

23. The Executive Committee,

(a) *Confirms* that the activities proposed under the annual programme budget for 2000[7] have been found, on review, to be consistent with the statute of the Office of the United Nations High Commissioner for Refugees (General Assembly resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council or the Secretary-General, and the relevant provisions of the Financial Rules for Voluntary Funds administered by the High Commissioner for Refugees;

(b) *Approves* the programmes and budgets for Regional Operations, Global Operations and Headquarters under the annual programme budget for 2000 amounting to

$933,553,000, including an operational reserve of $82,108,300 (representing 10 per cent of programmed activities),[8] and authorizes the High Commissioner within this approved level, to effect adjustments in Regional Operations, Global Operations and Headquarters budgets;

(c) *Approves* the revised 1999 General Programmes budget amounting to $413 million, and notes the new revised Special Programmes budget amounting to $741.2 million;[9]

(d) *Notes* the report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 1998,[10] and the Measures taken or proposed in response to the recommendations of the report of the Board of Auditors by the High Commissioner; as well as the report of the Advisory Committee on Administrative and Budgetary Questions on the annual programme budget of the United Nations High Commissioner for Refugees for 2000,[11] the report of UNHCR's Inspection Activities[12] and the report on UNHCR's Evaluation Activities,[13] and requests to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(e) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the annual programme budget for 2000 and as set out in the Global Appeal, and authorizes her, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to issue special appeals and create supplementary programmes;

(f) *Urges* all States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously, in a spirit of solidarity and in a timely manner to her appeals for resources to meet the approved annual programme budget and non-foreseen emergencies;

(g) *Notes* the revised Financial Rules.[14]

D. Decision on the programme of work of the Standing Committee for 2000

24. The Executive Committee,

Having reviewed the issues before it at its fiftieth session, including the annual theme on strengthening partnership to ensure protection, also in relation to security, and the report of the work of the Standing Committee,[15] and having in mind the decisions and conclusions of its fiftieth session;

(a) *Decides* to adopt as the framework for the programme of work of the Standing Committee for 2000 the following items: international protection; programme/protection policy; programme and funding; governance; coordination; and management, financial, oversight and human resources;

(b) *Requests* that Member States review, at the planning meeting scheduled for December 1999, specific proposals for inclusion in the programme of work for 2000, taking into consideration the calendar noted by the planning meeting in 1998, with a view to submitting their agreed programme of work to the first meeting of the Standing Committee in 2000 for formal adoption; and requests that Member States bear in mind the desirability of scheduling items over a biennial or longer period;

(c) *Requests* that UNHCR include in its documentation on each item the relevant audit and recommendations of the Advisory Committee on Administrative and Budgetary Questions, as well as steps taken to implement those recommendations and related Executive Committee decisions and conclusions;

(d) *Authorizes* the Standing Committee to add and to delete items, as appropriate, to its inter-sessional programme of work;

(e) *Decides* to convene no more than three meetings of the Standing Committee in 2000 to be held in February, June and prior to the fifty-first plenary session of the Executive Committee;

(f) *Calls* on the Standing Committee to report on its work to the fifty-first session of the Executive Committee.

E. Decision on the provisional agenda of the fifty-first session

25. The Executive Committee,

Decides to adopt the following provisional agenda for the fifty-first session of the Executive Committee:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. Annual theme.

5. Reports on the work of the Standing Committee as they relate to:

   (a) International protection;

   (b) Programme, administrative and financial matters.

6. Consideration and adoption of programme budgets.

7. Reports relating to programme oversight.

8. Meetings of the Standing Committee in 2001.

9. Consideration of the provisional agenda of the fifty-second session of the Executive Committee.

10. Any other business.

11. Adoption of the draft report of the fifty-first session of the Executive Committee.

12. Closing of the session.

F. Decision on observer participation in 1999 and 2000

26. The Executive Committee,

(a) *Approves* applications by the following Government Observer delegations for participation in meetings of the Standing Committee from October 1999 to October 2000:

Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Kenya, Luxembourg, Myanmar, Nepal, New Zealand, Peru, Portugal, Republic of the Congo, San Marino, Syrian Arab Republic, Slovakia, Swaziland, Ukraine;

(b) *Authorizes* the Standing Committee to decide upon any additional applications from government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its subsidiary bodies from October 1999 to October 2000: United Nations specialized agencies, departments, funds and programmes; European Commission; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; Sovereign Order of Malta; Executive Secretariat of the Commonwealth of Independent States; League of Arab States; Organization of African Unity; Organization of the Islamic Conference; Council of Europe; International Organization for Migration;

(d) *Recalls* the decision of the Standing Committee that non-governmental organizations registered at the fiftieth plenary session of the Executive Committee are invited to attend Standing Committee meetings in 1999 and 2000 as observers, upon written request from the individual non-governmental organizations concerned.

Notes

[1] *Human Rights: A Compilation of International Instruments*, vol. I (Second Part) (United Nations publication, Sales No. E.94.XIV.1 (vol. I, (part 2)), sect. O, No. 81.

[2] Ibid., No. 80.

[3] E/CN.4/1998/53/Add.2, annex. The document was prepared at the request of the Commission on Human Rights and was submitted by the Representative of the Secretary-General for internally displaced persons in April 1998.

[4] A/51/341 and Corr.1, appendix.

[5] United Nations, *Treaty Series*, vol. 189, No. 2545.

[6] Ibid., vol. 606, No. 8791.

[7] A/AC.96/916 and Add.1, Add.1/Corr.1.

[8] A/AC.96/916/Add.1, table II.3 as revised.

[9] Ibid., table II.8 as revised.

[10] A/AC.96/917.

[11] A/AC.96/916/Add.2.

[12] A/AC.96/918.

[13] A/AC.96/919.

[14] A/AC.96/503/Rev.7.

[15] A/AC.96/925.

Annex I

Decisions adopted by the Standing Committee in 1999

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 1999 adopted a number of decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of Standing Committee meetings as follows:

A/AC.96/912 Report of the extraordinary meeting of the Standing Committee (8 December 1998)

Decision on non-governmental organization observer participation in the work of the Executive Committee of the High Commissioner's Programme and its Standing Committee

A/AC.96/913 Report of the fourteenth meeting of the Standing Committee (9-11 February 1999)

Decision on the standardization of UNHCR reporting

A/AC.96/924 Report of the fifteenth meeting of the Standing Committee (28-30 June and 1 July 1999)

I. Decision on the structure of the annual programme budget

II. Decision on annual theme of the fiftieth session of the Executive Committee

A/AC.96/927 Report of the sixteenth meeting of the Standing Committee (28-30 September 1999)

Decision on UNHCR Financial Rules

Annex II

Opening statement by the United Nations High Commissioner for Refugees at the fiftieth session of the Executive Committee of the High Commissioner's Programme (4 October 1999)

Welcome to this session — the fiftieth — of the Executive Committee — to all of you, and especially to Mozambique, the latest member. Mozambique received and reintegrated in an exemplary manner 1.7 million returnees who had fled during the civil war. Its membership is therefore very significant.

I congratulate the new Bureau, and its Chairman, Ambassador Pérez-Hernández y Torra of Spain. This year, as the Deputy Chairman, Ambassador Pérez-Hernández accompanied me both to Kosovo and to his country. I am sure that under his leadership this Committee will work closely with us in defending and promoting the cause of refugees. My heartfelt thanks go to Ambassador Rodriguez Cedeño of Venezuela, under whose chairmanship the Committee has supported us through a difficult year.

I also have great pleasure in welcoming a good friend of the Office of the United Nations High Commissioner for Refugees, a United Nations colleague whose partnership is important to us, whose thoughts are always provoking and refreshing, and whose opinion I value — the respected leader of one of the agencies we are most closely associated with: Carol Bellamy, Executive Director of the United Nations Children's Fund. There could not be a more fitting manner to mark the "strengthening partnerships to ensure protection", the theme you chose to emphasize. Carol and I have often joined voices in calling for more attention on issues of mutual concern. I am happy and proud that she is addressing the Committee this morning.

Fresh refugee crises as a result of new conflicts

It has been a year charged with fresh conflicts and refugee crises, in which civilians have been particularly targeted. At the last session of this Committee I spoke about an increase in conflicts. The trend has not reversed — it may even be advancing. Very often, the root causes of conflict and displacement lie in the failure to give due recognition to the aspirations and rights of ethnic minorities or to various social groups. This fuels separatist claims, especially in areas with a history of strong autonomy, and, in turn, it exacerbates tribalism, nationalism and ethnocentrism. In many cases separatist trends are violently repressed. Minorities are particularly targeted by this repression. The success of separatism, on the other hand, leads to retaliations. The outcome are polarized societies and communities, and crystallized refugee crises.

In this context, categorizations between groups of displaced people have become increasingly blurred. In certain areas, the growing role of criminal gangs and mafia-like power structures in internal conflicts further complicates the picture. Highly complex emergency situations have tested UNHCR's response capacity. Refugee movements have also become a major source of instability and conflict: hence a demand for rapid solutions, sometimes at the expense of humanitarian and refugee protection principles, and sometimes requiring UNHCR and its partners to work rapidly and simultaneously in countries of asylum and of return. Both our mandate and our traditional operational responses are thus affected.

Let me start with two crises that have particularly challenged the international community, the United Nations, and UNHCR: Kosovo and East Timor.

In Kosovo, masses of people moved over a period of just a few weeks, against a backdrop of violence, military action, failed political negotiations and international tension. I will not dwell on well known events, but just mention a few elements indicating the complexity of the humanitarian and protection tasks, a complexity that is indeed becoming a standard feature everywhere. The outflow of people was staggering. They did not simply flee, they were expelled from their homes. To address this huge, abrupt, unpredictable exodus, we had to resort to services that only the military could provide. Return, when it occurred, only 10 weeks after the outflow had started, was an even faster exodus in reverse. Managing these situations was tremendously challenging for all of us. Serious problems included logistics in Albania and securing admission for refugees in the former Yugoslav Republic of Macedonia. Despite the obstacles, the response to the crisis did meet immediate needs of safety and survival. To examine lessons learned in the Kosovo crisis, I have commissioned an independent evaluation of the humanitarian response, the results of which I hope to share with you soon.

I wish to pay tribute here to the refuge offered by Albania, the former Yugoslav Republic of Macedonia and, in the Federal Republic of Yugoslavia, the Republic of Montenegro; to the generous hospitality of the host families;

to the military for the professionalism of their support; and to the hard work of my colleagues in UNHCR and other agencies. I also wish to thank the many countries that cooperated in the unique humanitarian evacuation programme that proved vital to keep the door to safety open to so many refugees — a fine example of partnership in ensuring protection.

But the Kosovo crisis is not over. Almost a million people have had their houses destroyed or damaged. One priority of the humanitarian pillar of the United Nations Interim Administration Mission in Kosovo, which is headed by my Special Envoy, is to help these people through the winter — we are working hard, together with major governmental partners — such as the United States of America, the European Union and Japan — and many non-governmental organizations, to meet this deadline. But more intractable problems remain unresolved. Forced displacement continues to be a reality for the Serb and Roma minorities of Kosovo. Although KFOR has been indispensable in curbing the violence, the firing of rocket-propelled grenades on a Serb market place last week, killing and injuring many, provided a dramatic reminder that attacks continue on a daily basis. The number of Serbs and Roma remaining in Kosovo has dwindled to less than half of the original population as a result of unacceptable revenge attacks. Ethnic Albanian leaders must be persuaded that the suffering of the Albanian people is no justification for renewed ethnic cleansing, that violence exhorts violence and that any failure to speak out and to act will lessen the international community's sympathy and support.

Most minority people fleeing Kosovo are displaced in the Federal Republic of Yugoslavia, where there are now some 700,000 refugees and displaced people from Croatia, Bosnia and Herzegovina and Kosovo. Their plight is dire in a country crippled by war, economic crisis and international isolation. I appeal to Governments to help them with humanitarian aid. They face a harsh winter. It would be very wrong to let these people down.

More broadly speaking, the Kosovo crisis has made it even clearer that only through a comprehensive international effort — at the political, economic and social levels — will the Balkans be able to move from chronic conflict to stability, development and progressive integration in Europe. I therefore welcome the launching of the stability pact for south-eastern Europe and trust that its swift implementation will also give new impetus to the search for lasting solutions for those still uprooted.

This is now very urgent. I regret to repeat, once again, that 1.5 million people from Bosnia and Herzegovina and Croatia have not yet returned home, four years after the Dayton peace accords. Some minority returns have occurred. These movements, however, must be accelerated. While isolated violence continues, security is no longer the primary concern. Property issues, poor economic conditions, unemployment and infrastructure needs — along with political obstacles — are now the main factors influencing decisions among potential minority returnees. Economic development and job creation are therefore important for resolving the problem of displacement in this area.

This year's other major refugee crisis has been East Timor. A fortnight ago, I travelled to Indonesia. The displacement situation, in both East and western Timor, and in particular the problems of protection for refugees and displaced people, are of extreme concern to UNHCR. UNHCR has operated in East Timor since March — and I wish to pay tribute here to my colleagues, and those of the United Nations Mission in East Timor and other humanitarian agencies, for maintaining a United Nations presence in spite of the extraordinary risks involved. Since the arrival of the International Force, East Timor (INTERFET), UNHCR has worked in East Timor as part of an inter-agency team in bringing protection and assistance to displaced people.

Some 200,000 people have fled to western Timor, and are thus of direct concern to my Office. While in Indonesia, I negotiated the establishment of a UNHCR presence there and discussed with the Government the conditions under which an operation would be feasible and effective. A UNHCR emergency team is now in Kupang, but access to refugees continues to be difficult and sporadic. Although material conditions are not dramatic, many are outdoors, with scarce food, in crowded places, and poor hygienic conditions. Many are hosted in families. The rainy season will begin in a few weeks' time. It is therefore very urgent to start organized assistance for refugees in western Timor before conditions deteriorate.

However, it is the protection and security situation that is of more serious concern. There are many reports of people having been forced by militias to leave East Timor. There are reports of people who may be forcibly kept, hostage-like, in western Timor, under their control. There are reports of refugees having been taken to other islands against their will. Such reports are matched by the visible presence of armed militia elements among the displaced population.

There are two priorities in addressing the situation in western Timor: first, the Indonesian Government must provide all necessary security measures to secure both refugees and humanitarian agencies, maintain the civilian character of refugee sites, and facilitate humanitarian activities; second, whatever option refugees will choose —

return, remain or go elsewhere in Indonesia — it will have to be free and informed, impartially ascertained, respected and fulfilled. I hope in particular that safe return to East Timor will be possible soon. To meet these goals, UNHCR must — I repeat, must — be present in western Timor, and its access to refugees must be free and secure. The Indonesian Government has accepted our proposals, and there are positive indications on the ground. The proof of its engagement will be in swift and safe implementation.

Two critical regions

My Office has been called upon to address new forced population movements also in other parts of the world, for example in Colombia, where the situation of internally displaced people has deteriorated: for the first time, about 3,500 people crossed the border and fled to Venezuela in July. In a few countries, some voluntary repatriation has occurred. In many places, however, refugee situations have stagnated, reflecting the worsening of ongoing conflicts or lack of progress in political negotiations — for example in Sri Lanka, where fresh fighting has caused added concern; or in Nepal, where I regret to report little progress on the search for solutions for 97,000 Bhutanese refugees. In Bangladesh, at least interim solutions for refugees unwilling or unable to return to Myanmar need to be promoted and accelerated.

There are two regions, however, in which refugee problems have been particularly critical, and to which I would like to draw your attention.

In Africa, on the one hand, bold efforts have been made to bring peace to the most troubled areas. The Lomé and Lusaka ceasefire agreements bear witness to Africa's strong desire for peace. I would like to pay tribute to those courageous, visionary African leaders who have largely inspired these efforts. I have spoken of the extraordinary sense of hope and determination felt at the Organization of African Unity Summit in Algiers. That this should occur in the year in which we commemorate the thirtieth anniversary of the forward-looking Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, is more than a happy coincidence.

On the other hand, the implementation of the agreements has not progressed, and old refugee crises have not been resolved. Further advances in UNHCR's preparations for repatriation to the Western Sahara territory depend on the progress of political negotiations. Sudanese refugees have continued to arrive in Uganda and Kenya, and people displaced by the conflict between Ethiopia and Eritrea await the implementation of the agreement based on the Organization of African Unity framework for peace.

I travelled to West Africa in February, and to Central Africa in June. In July, I briefed the Security Council about the refugee situation in these regions. Peace continues to be a mirage for people on the ground. Half a million Sierra Leoneans still live in camps — some of them very insecure — in Guinea and Liberia. I am very worried about the situation in Liberia, where there have been attacks by rebel groups in areas to which Liberian refugees have been returning, and where Sierra Leonean refugees are hosted. True, more than 330,000 Liberians have returned home, but recent outbreaks of fighting are discouraging the remaining refugees from returning home, and, worse, may force Liberians to flee again. There have been worrying cross-border rebel attacks into Guinea — a country which should not be paying such a price for continuing to generously bear an enormous refugee burden.

In Central Africa, conflicts continue to be connected and interlinked, not only due to their geographical proximity, but also through coalitions of defeated or disbanded armed groups, often complicating our protection task by moving along with refugees. Inflows into Gabon and the Central African Republic mark a progressive widening of the spiral of refugee crises. In spite of the Lusaka Agreement, the extremely complex pattern of war in the Democratic Republic of the Congo is a fertile environment for the outbreak of smaller, violent sub-conflicts, likely to cause further population movements. I have recently expressed my concern to the Secretary-General at the potential for fresh and sudden refugee crises. Fighting in the Democratic Republic of the Congo, and the Republic of the Congo, have already forced people to criss-cross these countries' borders. The situation in Burundi is very fragile, as shown by fresh episodes of violence. Repatriation from camps in the United Republic of Tanzania — still hosting 260,000 Burundian refugees — has virtually ceased. Conflict in Angola has pushed more refugees into neighbouring countries, and worsened the catastrophic situation of internally displaced people — perhaps the single worst humanitarian crisis in Africa.

Another area — of lower profile but much concern to my Office — is the vast region stretching from the Black Sea to Central Asia. Growing problems linked to population movements — from the North Caucasus to Kyrgyzstan — prove the wisdom of the approach that we adopted through the Commonwealth of Independent States Conference process, and the need to pursue our efforts in that direction.

I am especially worried by the situation on the southern border of the Russian Federation. Fighting in Daghestan has

displaced about 33,000 people. Tens of thousands have fled Chechnya to neighbouring Ingushetia. This conflict may cause further displacement in an already very fragile region. The Russian federal Government and the Ingush authorities have requested assistance from UNHCR. Criminal gangs threatening humanitarian agencies throughout this region, however, make our operations very risky and difficult. As you know, in December the former head of our Vladikavkaz office was freed after spending almost a year as a hostage. We shall therefore provide such assistance through local networks from our base in Stavropol.

In the South Caucasus, which I visited at the beginning of September, impasses in peace processes have resulted in frozen situations, in which people are prevented from returning home. I hesitate to call them post-conflict situations, because conflicts have not actually been resolved, even if wars are not being actively fought any longer. The size of human displacement is staggering. Well over one million people are refugees or internally displaced in Armenia, Azerbaijan and Georgia. I regret that addressing these situations has ceased to be a priority for the international community, at a time of other, more pressing crises.

Refugees and displaced people may not be directly targeted any longer in the South Caucasus, but genuine support for their undeniable right to return home is sometimes mixed with the wish to make political capital of their situation. Their plight serves this purpose better if it is unresolved. I would like to ask Governments in the region to address with greater consistency and sense of urgency the immediate problems of the displaced, particularly housing. I also urge all concerned Governments to support bilateral talks between Armenia and Azerbaijan, which show signs of progress; and encourage more actively peace negotiations in Georgia.

Further east, in Afghanistan, the situation of population displacement is becoming increasingly complicated. Renewed fighting has caused fresh movements. More than 150,000 people are now estimated to be internally displaced as a result, with very little assistance reaching them. At the same time, repatriation of refugees continues from the Islamic Republic of Iran and Pakistan, which, after almost 20 years, still bear the burden of 2.6 million refugees. Two points must be stressed: first, humanitarian agencies have little access to areas of either internal displacement or refugee return, and this is of the utmost concern; second, the Afghan refugee problem, one of the oldest and largest in the world, continues to receive far too little attention.

Adapting management to external changes

Mr. Chairman, the situations I have described underline the importance of remaining constantly sensitive to the need to improve the management of our refugee protection mandate, particularly in emergency situations. Since 1996, we have embarked on a major change process, focusing on delegation and decentralization, approaching refugee situations comprehensively and further improving emergency functions. Throughout the past year we have continued to work on elements of this process. Other needs for change and improvement have become evident. Let me highlight five areas which deserve your attention.

First, in 1999, we have had one of the highest rates of deployment of emergency staff since our response system was established in 1992. More than 100 people — including staff from UNHCR's partner agencies — were deployed between March and June to the southern Balkans alone. At the same time, we continued to send staff to respond to other emergencies. This stretched our capacity, since we did not resort to external recruitment. But we have learned some lessons. Given the coordinating role that we play in refugee emergencies, we must strengthen our emergency stand-by capacity at the senior and middle management level, including in areas such as protection management. We must improve mechanisms triggering the early emergency deployment of staff and the hand-over to longer-term personnel. We must expand and strengthen training of staff in all regions. Incidentally, I am pleased to report that the long-awaited second edition of the UNHCR *Handbook for Emergencies*, updating the 1982 edition, was published this year.

Second, we have completed a reorganization that has streamlined the overall management of the Office. Two departments are now responsible for international protection and operations, respectively. I wish to stress, in particular, that one of the goals of restructuring was to ensure a proper role for the Department of International Protection in contributing to the overall decision-making process. A division dealing with communication and information regroups key functions previously working autonomously. The management of all resources — human, financial and material — is placed under another division. Closely connected with the reorganization of headquarters was the restructuring of operations in Africa, with the creation of three field-based regional directorates. A fourth Director, based at headquarters, is responsible for policy, coordination and information.

Third, we have continued to develop a comprehensive operations management system. A new framework has been devised for planning and financial management, which gives

added emphasis to protection and solutions in our field strategies. A new software system will be introduced in support of this framework.

Fourth, the budget for 2000, which you have before you for approval, has been consolidated in a unified structure, which abolishes the separation between General and Special Programmes. This reflects your own wish to see a more streamlined organization of the budget. We took a bold step but the new structure is a much clearer presentation of our requirements and allows for more transparent reporting on the use of resources. I hope this will encourage Governments to allocate adequate funding in a flexible and timely manner.

Fifth, on 1 January 2000, we shall also launch a new human resources management package. It will be based on a new approach which aims at ensuring a better link between skills, job requirements and the posting system, as well as a more transparent and merit-based promotion policy. In support of these improvements, we have initiated an ambitious staff development strategy based on five core learning programmes, thereby responding to recommendations made by various training evaluations and the Executive Committee in past years.

Humanitarian action and international responses to crises

Mr. Chairman, new conflicts have erupted while old ones remain unresolved. The international community is in search of quicker, more effective responses. The renewed debate over "humanitarian intervention" proves the interest in identifying the most adequate mode of international response to conflicts as in Kosovo or East Timor.

The prevailing type of new wars — simultaneously linking internal and international fronts — affects regional security. Countries react quickly when they perceive that security and stability are threatened in their region. Results are mixed, and deserve careful examination. In Kosovo, the North Atlantic Treaty Organization (NATO) action eventually reversed the cleansing of ethnic Albanians and allowed their return, but the exodus of Serbs and other minorities has made the achievement of their task incomplete. In Sierra Leone, the efforts of the Military Observer Group of the Economic Community of West African States to enforce peace took time, came after many civilians had been killed, maimed or displaced, and was less thorough than it could have been, mainly due to lack of resources; but it managed to contain the conflict. In Central Africa there has been no military intervention to restore peace. However, both the Lomé and Lusaka agreements may open up possibilities for peace if they are given proper and swift support by the United Nations and the international community. Both, I wish to stress, would not have been possible without regional efforts. In East Timor, INTERFET, led by regional forces, is bringing the territory back to the rule of law — a first necessary attempt to stop widespread atrocities, but still a long way from reconstruction and the establishment of an organized administration.

I welcome regional initiatives to bring peace to troubled areas. From a UNHCR perspective, however, there are new, complex aspects of these interventions that we must address — two in particular. First, the role of the military in humanitarian operations. Second, the overcrowding of the humanitarian space in high-profile emergencies.

As I said before, services provided by the military — especially those for which they can offer added value in terms of technical and extensive organizational capacity — are most useful in large-scale humanitarian emergencies. In Albania and the former Yugoslav Republic of Macedonia, for example, we agreed with military forces that their tasks would be limited to a number of well-defined services: air and port logistics, transport of refugees and goods, camp construction, and road repairs.

There are some risks, though. In the Kosovo crisis, there were instances in which assistance was provided directly by the military, sometimes to gain legitimacy and visibility. These episodes undermined coordination and deprived civilian humanitarian agencies of effectiveness and clout. More broadly speaking, the involvement of the military in humanitarian operations can — in certain situations — expose refugees to a conflict, or even make them party to it, jeopardizing their security. For this reason it is essential to maintain clear distinctions: the military can support but should not substitute agencies with humanitarian mandates. These agencies alone have the necessary, principled independence from political considerations. The experience and expertise to deal with the human dimension of crises — the suffering of civilians, their traumas, the terror of flight, the pain and uncertainty of exile — are with us, the civilian humanitarian agencies. The military should ensure the respect of a previously agreed division of labour and endeavour to ensure the correct public perception of such a division.

Kosovo also showed that in a high-profile emergency, the operating space of humanitarian agencies has become unbearably overcrowded. "Being there", and being seen as dealing directly with refugees, became almost a necessity for many different actors. Humanitarian resources were often used by Governments directly, bilaterally. These trends, too, diminished the ability of humanitarian agencies to operate.

I understand the pressure of outraged public opinion on Governments to act swiftly to relieve suffering. I also agree that coordination among humanitarian agencies is important, and by coordination I mean a clear division of labour, according to respective mandates and capacities. However, Governments should help humanitarian agencies organize their operating space, rather than weakening their action by bypassing or overloading it. Much has been said about the very obvious disproportion between aid pouring into the southern Balkans during the Kosovo crisis, and the modest resources made available by Governments to respond to other, equally grave crises, especially in Africa. I agree with this criticism. I believe that channelling resources through multilateral agencies can help redress at least part of the imbalance. I wish therefore to ask this Committee to reconfirm its support for multilateral action, avoiding as much as possible any temptation of both humanitarian micromanagement and humanitarian bilateralism.

Refugee protection: a unique, irreplaceable mandate

To go even further, I wish to touch on the very essence of the mandate of my Office. UNHCR's work is of course humanitarian — saving and bringing basic support to people's lives. But its core mandate is much more specific, since it concerns the protection of refugees and the search for solutions to their problems.

Protection is above all the granting of asylum to those fleeing persecution or conflict. Protection is primarily identifying, defining, standing for and advocating refugees' rights — Kosovo has shown once more the absolute necessity of asylum as a key, life-saving instrument of refugee protection. A very important opportunity to reaffirm this idea will be the upcoming special European Council Summit in Tampere, Finland, which will adopt the European Union's asylum and migration policy. I wish to call upon heads of State and Government who will attend the Summit to ensure that such policy be firmly rooted in the proper and inclusive application of the 1951 Convention relating to the Status of Refugees. The example and precedent which is about to be set in Tampere is of capital importance, not only for the future of refugee protection in the European Union, but also in countries that are candidate to the enlargement of the Union, in the rest of Europe, and of the world. As such, I hope that it will be visionary and forward-looking, and not simply based on minimum common denominators.

But asylum, indispensable as it is to protection, is only its first step. Implementing protection entails a broad spectrum of activities. UNHCR's role is not only to advocate refugees' rights. Realizing them often requires difficult discussions — not over principles, that cannot be negotiated, but over the modalities of their application. Protection also takes the form of relieving the refugees' plight: ensuring that their material needs are met, counselling and alleviating their traumas, helping them become self-sufficient, making sure that communities hosting them do not become hostile, creating awareness worldwide. It means paying special attention to the most vulnerable, like women and children, and also the elderly, a group which is often forgotten, in spite of its growing presence.

In carrying out this essential aspect of our mandate, we shall of course continue to collaborate with our closest partners: the United Nations operational agencies, UNICEF and the World Food Programme; non-governmental organizations, which give crucial support to our direct interface with refugees; the United Nations Office for the Coordination of Humanitarian Affairs; the International Committee of the Red Cross; the International Organization for Migration; and, increasingly, especially during the critical phase which follows emergencies, the United Nations Development Programme and the World Bank.

Asylum gives safety to refugees. But this literally vital action demands that the search for solutions to their plight begins as early as possible. And this search is about carving out, from very difficult situations, realistic choices to offer to refugees, and finding ways to make them fully informed of these choices. An essential pre-condition for the success of this work — the point, so to speak, in which all our efforts converge — is to be present on the ground with refugees, which requires that we have full and free access to them. This is why refugee protection is the raison d'être of UNHCR's presence in western Timor. This is why situations where we have little or no presence, such as Afghanistan or the Democratic Republic of the Congo, or certain areas of Liberia and Sierra Leone, are so worrying. Sometimes choices are very limited, but some other times, thanks to the good cooperation of Governments, they are rich and varied. The ideal objective for any refugee situation is to foster conditions for refugees to make a free and informed choice about their future. There is no better way to restore dignity to a refugee's life than to offer her or him the possibility to make this choice.

UNHCR's mandate has therefore a very precise identity, which — I wish to stress — cannot be substituted by other, more generic, forms of humanitarianism. Whenever international crises have a refugee component, the mode of response must be based on the principles of refugee protection. UNHCR's mandate as custodian of these principles, and as the Office charged by the international

community with seeking solutions to refugee problems, must be respected.

All the activities I have described — from defending asylum to helping refugees in exile and searching for solutions — require specific expertise. They are not simply humanitarian. Rather they are rooted in the protection nature of refugee work. Today, the operating space of UNHCR and of its partners in ensuring protection is at times threatened. Not on our behalf, since we are here to serve, but on behalf of the millions of people of our concern, I would like to ask you to help us better define and defend it.

Let me conclude with an example that I consider very appropriate to this discussion. In July, I visited Mexico. Together with President Zedillo of Mexico and President Arzu of Guatemala, I participated in a ceremony marking the end of the Guatemalan repatriation programme. Some refugees opted to return, some chose to be naturalized, others to be allowed to remain in Mexico as immigrants. Mexico's acceptance of refugees, Guatemala's ongoing and still difficult progress towards peace and reconciliation and many years of creative and courageous work by committed staff of UNHCR, other United Nations agencies and non-governmental organizations, have been of invaluable support to the efforts made by refugees themselves to rebuild their lives. This, I believe, is a truly exemplary case of partnership in granting safety, assisting and providing choices to a group of refugees — of partnership in protection. To make it even more complete, the Government of Mexico announced its intention to accede to the 1951 Convention on the Status of Refugees. This will constitute an important example to which I would like to draw the attention of all States, and which I hope will be followed by members of this Committee that have not yet signed this key refugee protection instrument.

In 2000, UNHCR will observe its fiftieth anniversary. We do not want to celebrate its birthday — our Office was created to resolve a problem, and its longevity is thus a bad sign. But refugees — yes, I think we should celebrate refugees! We should celebrate their courage, resilience and determination. And there is something of our own work that we should be especially proud of as this important anniversary approaches. It is our renewed ability to offer them opportunities and means to achieve these opportunities. This will help them not to be a burden, and not to be seen as one. It will help them make positive contributions, during the hard period of exile, to the communities giving them asylum. And once their plight is solved, back home, or in a new country, it will help them be fully part of their own communities. Thanks also to the joint efforts of all of us, it will make them hope, and feel, that they own a future.

Annex III

Chairman's summing up of agenda item 4: annual theme (strengthening partnership to ensure protection, also in relation to security) (7 October 1999)

The scope and range of the debate on the annual theme, "strengthening partnership to ensure protection, also in relation to security", has been indeed rich and wide-ranging. Our discussion of partnership, which is included in the statute of the Office of the United Nations High Commissioner for Refugees, seems particularly appropriate as we prepare for the fiftieth anniversary of the founding of the Office. It is not my intention to provide a comprehensive summing-up, but rather to highlight some of the main threads of our debate.

I am sure that the High Commissioner appreciates the tribute paid to the work of her Office over the past year, one which has witnessed dramatic events in Africa, the Balkans, the Caucuses and Central Asia, and, most recently, in East Timor; likewise she appreciates the information you have provided on the legislative and other measures you have taken with national partners. Many delegations have also informed of comprehensive plans implemented to consolidate peace and ensure tolerance. You also provided a clear message regarding support for the safety and security of humanitarian staff, an issue which should and is being given ever increasing attention.

The introductory statement of the High Commissioner, which focused on the new challenges facing her Office and their consequences for humanitarian activities, was warmly welcomed. The role of the military in humanitarian operations and the overcrowding of humanitarian space in high-profile emergencies are two developments over the past year that UNHCR is striving to come to grips with. The High Commissioner emphasized that despite recent events around the world, preserving the principle of asylum and ensuring that refugees are offered choices remain the fundamental objectives of the Office.

The Committee also was privileged to hear statements from the Executive Director of the United Nations Children's Fund, Carol Bellamy, and the United Nations High Commissioner for Human Rights, Mary Robinson. Ms. Bellamy emphasized the close collaboration between her Office and UNHCR on the problems related to children as a particularly vulnerable group in the refugee caseload. She also drew attention to the partnership for cooperation established between UNICEF, UNHCR and the World Food Programme, suggesting that, while not perfect, it was a good model. Ms. Robinson highlighted the close relationship between her Office and UNHCR concerning human rights, protection and assistance to refugees.

The background paper on the annual theme provided the Executive Committee a useful basis for debate. Your interventions addressed a broad range of issues.

In the area of protection and security, you recognized the complexity of the global environment in which humanitarian action is carried out, especially with regard to the relation between humanitarian operations and military forces. This was reflected in your support for the Secretary-General's recommendations on the protection of civilians in armed conflict and the strong interest shown in the "ladder of options" concept introduced by the High Commissioner to address security and the separation of armed elements from civilians in refugee hosting areas. The role of the Security Council was highlighted in this respect. More broadly, UNHCR was encouraged to continue providing briefings to the Security Council to ensure greater support on these and other issues. Training was seen as an important element of UNHCR's efforts to pursue partnerships, especially with regard to police personnel assisting in security arrangements for camps.

With regard to UNHCR and its partners, all levels of partnership, including with States, other international organizations, regional organizations, local populations and other elements of civil society, including non-governmental organizations, were seen as important. The necessity of maintaining partnership with refugees and other displaced persons was stressed by many as a means of ensuring their participation in solutions to their plight. Support was also expressed for UNHCR's efforts to "Reach Out", the Brookings Process and regional initiatives, as well as efforts to strengthen or establish new relationships with national non-governmental organizations, academia and the private sector. The partnership and reach out with non-governmental organizations in the framework of the revitalized Partnership in Action process was welcomed by many speakers.

Recent crises in Africa figured prominently throughout our debate. Not only was there considerable discussion about respective countries and regions, but concerns were raised about the disparity in attention and consequent resource allocations. Many delegations stressed the need for the

international community to provide adequate resources to deal with the very serious refugee situations in Africa. Furthermore, it was mentioned that the allocation of resources to the latest crises should not be at the expense of protracted crises in Africa. This is a message which must be kept in mind. Several delegations further pointed out that this year's theme followed logically from last year's discussions on international solidarity and burden-sharing and that this issue still needs to be addressed.

Yet it was encouraging to note that there was strong support for the regional initiatives that have taken place recently, such as the Lomé and Lusaka ceasefire agreements, the Organization of African Unity Summit in Algiers and greater cooperation between the Organization of African Unity and UNHCR. There is an obvious desire for peace in Africa.

Another concern that I have taken note of quite clearly is the necessity for the international community, UNHCR, this Committee and non-governmental organizations to study the impact of large refugee populations in host countries in depth, with due consideration given to the environment, infrastructure and local population.

The background document prepared by the Secretariat presented us with several questions for our consideration:

Why do we need partnerships?

Firstly, I believe that partnerships are necessary because it is more effective and efficient to work together than to work alone.

By working closely with States, UNHCR can ensure that the fundamental principles underlying its mandate and international instruments applicable in refugee situations will be upheld, and we can begin to reverse the disturbing trends of discrimination, xenophobia and closed borders on the one hand, while addressing issues of illegal immigration, trafficking and asylum abuse, on the other. International solidarity and burden sharing can also result from partnerships, as exemplified by the Humanitarian Evacuation Programme of the former Yugoslav Republic of Macedonia, cited as a recent and outstanding demonstration of this.

By working with other international organizations, long-standing partners in humanitarian assistance such as UNICEF, the World Food Programme and the International Committee of the Red Cross and new partners, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, financial institutions and others, the respective comparative advantages, experience and talents of these organizations can be drawn upon to ensure a more comprehensive approach to the problems of displacement. The role of the Office for the Coordination of Humanitarian Affairs in this respect was underlined.

By working with regional organizations, we can formulate new approaches taking account of the special relationships those organizations can bring to bear on refugee situations and strengthen their ability to address the root causes of displacement. We can already see the fruits of this in UNHCR's interaction with the Organization of African Unity, the Economic Community of West African States, the Southern African Development Community, the Intergovernmental Authority on Development, the European Union and the Commonwealth of Independent States, among others. Regional approaches to displacement, such as the Comprehensive Plan of Action (in Indo-China) and the Concerted Plan of Action (in Central America), have demonstrated the value of effective partnerships at the regional level.

By working with civil society, especially non-governmental organizations, we can mobilize a vast reservoir of knowledge, grass-roots experience and concern to deliver humanitarian assistance in a more timely and effective manner. And by reaching out to new partners, as reflected by the High Commissioner's recent visit to my own country of Spain, we can help raise the consciousness of the global public regarding the needs of refugees and displaced persons, while at the same time generating new resources to support our efforts to seek durable solutions.

Finally, we must recognize, as so many of us have pointed out, that our most important partners are refugees themselves, including the women and children who make up the vast majority of the refugee population. They have special knowledge and skills that can enhance the effectiveness of the assistance we provide and, with our help, ensure that they can participate in the design and implementation of activities on their behalf, in peace-building processes and the opportunity to make choices about their future.

What are the elements of successful partnerships?

Many of you have commented on this and there seems to be broad agreement with the points UNHCR laid out in the background document. Collectively, we seem to agree on the following:

Partnerships must be based on mutual confidence, consent and respect. They must have a clear purpose with agreed upon parameters and give credit to what each participant brings to the partnership; a transparent process

with open communication among all partners; focal points and appropriate training for the participating partners. Each partner must also have in place internal mechanisms for evaluation.

Are there limits to partnerships?

Certainly there are some constraints.

UNHCR as the lead partner in refugee situations, must ensure that its mandate and underlying principles always remain at the forefront of its partnerships and that the role of the State in this regard remains essential. Effective coordination with non-governmental organization partners will need to be provided in order to avoid the adverse effects of competition, especially in high-profile emergencies where humanitarian space can be overcrowded.

Special attention should be given to ensure the impartial and fundamentally humanitarian nature of assistance, particularly regarding the cooperation with security forces.

What is the impact of partnerships on the ground?

First and foremost, partnerships in the field can enhance the provision and quality of international protection for refugees. They can also help create conditions for the safe voluntary repatriation of refugees to a secure environment where they can contribute to the reconstruction and development of their country of origin. This will require more active partnerships between donor Governments and humanitarian and development actors, as well as the appropriate involvement of non-governmental organizations, local populations and refugees.

Partnerships can also promote the establishment of early warning systems to aid in preventing situations of displacement.

Effective partnerships should be able to help mitigate the impact of refugees on local communities and the local environment, thereby diminishing the burden on host countries, while working towards a durable solution. Partnership is key in ensuring the security and civilian character of camps; improved refugee registration systems on the part of UNHCR was seen as one means of mitigating security problems in camps.

But most of all, effective partnerships which include the refugees themselves, will maintain respect for their dignity and, through careful planning and open communication, offer them choices rather than charity.

Issues needing further follow-up

There were a number of issues suggested by the debate which could benefit from further discussion.

1. How can States be supported to fulfil their primary responsibility for protection of refugees?

2. How can bilateral partners best support multilateral humanitarian activities?

3. How can the military best provide support to humanitarian operations, for instance in air and port logistics, transport of refugees and goods, camp construction and road repairs?

4. What partnerships can be developed as a result of the Brookings Process to address the gap between relief, rehabilitation, reconstruction and sustainable development?

5. How can coordination be strengthened through partnerships to make the best use of comparative advantages whilst avoiding the duplication of efforts?

6. What is the best use of local population in future partnerships?

7. How can we engage new partners from less traditional sources?

8. How can global partnerships enhance the awareness of resource needs and avoid double standards in resource allocation?

9. To what extent can non-governmental organization partners be included in the dialogue between Governments and UNHCR?

10. How can lessons learned be shared effectively among partners?

While a number of issues remain, it seems clear from our debate that partnerships will continue to be an important part of efforts to respond to the needs of displaced persons around the world. We as Members of this Executive Committee must play a significant role in this collective endeavour.

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